

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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KEITH BYRD,

Plaintiff,

Case No. 2:07-CV-48

v.

Hon. Gordon J. Quist

UNKNOWN BADGER,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on Plaintiff on February 20, 2008. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).<sup>1</sup>

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 20, 2008, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment (docket no. 18) is **GRANTED**, and Plaintiff's claims under 42 U.S.C. § 1983 are dismissed with prejudice.

**IT IS FURTHER ORDERED** that there is no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 144 F.3d 601, 611 (6th Cir. 1997).

This case is **concluded**.

Dated: March 26, 2008

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court notes that the copy of the report and recommendation sent to Plaintiff was returned to the Court on February 26, 2008, with the notation that Plaintiff was no longer at the facility. "Plaintiff has the duty to inform the court of any address changes," *Kelly v. Wal-Mart, Inc.*, 2007 WL 2847068, at \*1 (N.D.N.Y. Sept. 26, 2007), and it is not incumbent upon this Court or its staff to keep track of Plaintiff's current address.